

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-30 are pending, of which claims 1, 21, and 22 are independent.

Claim 21 and 22 are rejected under 35 U.S.C. § 102(e) as being anticipated by Benjamin Eggleton et al. (US Patent 7,139,478, Eggleton hereinafter).

Claims 1 and 2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Eggleton in view of Yasushi Sugaya et al. (US Patent 6,055,092, Sugaya hereinafter).

Claims 3 and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Eggleton and Sugaya, and further in view of Jurgen Otterbach et al. (US Patent 5,959,766, Otterbach hereinafter).

Claims 5, 6, 13 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Eggleton and Sugaya, and further in view of Hideaki Tsushima et al. (US Patent 6,731,874, Tsushima hereinafter).

Claims 7 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Eggleton, Sugaya and Tsushima, and further in view of Marvin Young et al. (US Patent Application Publication No. 2003/0231886, Young hereinafter).

Claims 23-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Eggleton and Sugaya, and further in view of Andrew Bonthron et al. (US Patent 6,738,173, Bonthron hereinafter).

The above objection(s) and/or and rejection(s) are respectfully traversed for at least the following reasons.

Allowable Subject Matter

It is noted with appreciation the indication in the Office Action that objected claims 8-12, 14, 15, 17, 18, 20, and 27-30 include allowable subject matter.

Claim Rejection Under 35 U.S.C. §102

Claim 21 and 22 are rejected under 35 U.S.C. § 102(e) as being anticipated by Eggleton.

Claim 21 has been amended, in part, to recite "a monitoring device to monitor the optical signal between the optical amplifier and the nonlinear device" (underlined emphasis added). Support for the claim amendments is found in, for example, Fig. 4 and page 13, line 25 to page 14, line 5 of the specification of the present application. Claim 22 has been amended to recite similar features.

In contrast, Eggleton shows an optical communication system in Fig. 1b, wherein the spectral monitor 24 and regenerator filter 45 are both provided after the non-linear medium 40. Thus, Eggleton fails to describe "a monitoring device to monitor the optical signal between the optical amplifier and the nonlinear device" (underlined emphasis added) as claimed.

Because Eggleton fails to teach each and every element as recited in amended claims 21 and 22, it fails to anticipate these claims. Accordingly, it is respectfully submitted that claims 21 and 22 are allowable over the references of record.

Claim Rejection Under 35 U.S.C. §103

Claims 1 and 2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Eggleton in view of Sugaya.

Claim 1 (and thus its dependent claim 2) has been amended to recite "an adjusting device to receive the optical signal after the nonlinear device, adjust the optical output power of the optical signal after the nonlinear device to a level of launch power from the regenerator, and output an adjusted optical signal" (underlined emphasis added).

The Office Action on page 5 admits that Eggleton does not teach the adjusting device as claimed. Thus, it relies upon Sugaya at column 5, lines 31-34 to make up for such deficiencies in Eggleton. However, the aforementioned section of Sugaya states,

The first-stage amplifier 1 includes a first-stage light input monitor made up of a beam splitting coupler 31 and a photodiode 41 and a first-stage light output monitor made up of a beam splitting coupler 32 and a photodiode 42.

At column 5, lines 404-5, Sugaya further states,

"An AGC system including the AGC circuit 61 and the above input and output monitors performs an AGC control of the pump source 91 so that the ratio of the light input power level detected by the light input monitor and the light output power level detected by the light output monitor can be maintained at a constant value."

Thus, Sugaya merely discloses an AGC circuit provided between two photodiodes, with no discussion of whether the AGC circuit is to receive an optical signal and output an adjusted optical signal as claimed.

Claims 3-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Eggleton and Sugaya, and further in view of various other references (Otterbach, Tsushima, Young, and Bonthron)

It is respectfully submitted that, for at least the reasons set forth earlier with regard to claim 1, its dependent claims 3-20 are not made obvious by the combination of Eggleton and Sugaya. In addition, the Office Action does not rely upon any of the other references to make up for the deficiencies in Eggleton and Sugaya with respect to claim 1 (and thus claims 3-20).

Accordingly, the Office Action fails to establish a *prima facie* case of obviousness against claims 3-20. Thus, these claims are also allowable over the references of record.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-4610.

Respectfully submitted,

Dated: September 25, 2008

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